

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SEAN MICHAEL RYAN,

Plaintiff,

Case No. 1:14-cv-510

v.

HON. JANET T. NEFF

DEWEY WATKINS, et al.,

Defendants.

ORDER

This is a prisoner civil rights action filed pursuant to 42 U.S.C. § 1983. Defendant Dewey Watkins filed a Motion for Summary Judgment (Dkt 20). The matter was referred to the Magistrate Judge, who issued a Report and Recommendation on June 12, 2015, recommending that this Court grant in part and deny in part Defendant Watkins' motion. Specifically, the Magistrate Judge recommended that the motion for summary judgment be granted as to the April 26, 2014 incident and denied with respect to the April 27, 2014 incident. With respect to the April 27, 2014 incident, the Magistrate Judge recommended that the claim be dismissed for failure to state a claim on which relief may be granted, and this action dismissed. The Report and Recommendation was duly served on the parties. No objections have been filed. *See* 28 U.S.C. § 636(b)(1). Therefore,

IT IS HEREBY ORDERED that the Report and Recommendation (Dkt 35) is APPROVED and ADOPTED as the Opinion of the Court.

IT IS FURTHER ORDERED that the Motion for Summary Judgment (Dkt 20) is GRANTED IN PART AND DENIED IN PART; the motion is granted as to the April 26, 2014

incident and denied with respect to the April 27, 2014 incident. With respect to the April 27, 2014 incident, the claim is dismissed for failure to state a claim on which relief may be granted.

IT IS FURTHER ORDERED that this Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this decision would not be taken in good faith. *See McGore v. Wrigglesworth*, 114 F.3d 601, 610 (6th Cir. 1997), overruled on other grounds by *Jones v. Bock*, 549 U.S. 199, 206, 211-12 (2007).

A Judgment will issue.

Dated: July 9, 2015

/s/ Janet T. Neff
JANET T. NEFF
United States District Judge